

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HAKEEM SULTAANA,)	CASE NO. 1:15 CV 1963
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>OPINION AND ORDER</u>
)	
BRIGHAM SLOAN, WARDEN,)	
)	
Defendant.)	

This case is before the Court pursuant to the Report and Recommendation of Magistrate Judge Greg White (“R & R”). (**Doc #: 45.**) The Magistrate Judge recommends that the Court dismiss the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody filed by Petitioner Hakeem Sultaana (“Petition”). (**Doc #: 1.**) The Magistrate Judge recommends that the Court dismiss the Petition without prejudice as unexhausted and deny as moot numerous motions. The Court has reviewed the Petition, the R & R, and Petitioner’s Objections (**Doc #: 47**), and is prepared to issue a ruling.

Petitioner was convicted by a state court jury of numerous counts of engaging in a pattern of corrupt activity, grand theft, securing writings by deception, tampering with records, forgery, motor vehicle certificate of title offenses and possessing criminal tools. On June 4, 2014, Petitioner was sentenced to an aggregate term of 14 years in prison. His convictions and sentence were affirmed on direct appeal on January 21, 2016, and Petitioner has failed to appeal that ruling to the Ohio Supreme Court. (See R & R at 7 n.3.)

On September 23, 2015, however, Petitioner filed the pending Petition raising two grounds for relief which, as best the Court can gather, ineffective assistance of appellate counsel (Ground One), and a violation of his substantive and procedural due process and equal protection rights (Ground Two). The Magistrate Judge has recommended that Court dismiss the Petition without prejudice as unexhausted, and deny as moot the plethora of motions Petitioner has filed.

Petitioner has filed Objections that purport to respond to the R & R but appear for the most part to respond to the Magistrate Judge's Order enjoining Petitioner from filing any new motions, etc. (Doc #: 44) and his recommendation that the Court deny as moot the motions asserted in Doc ##: 5, 7, 8, 16, 23, 28, 31, 33, 36, 39, 41-43 (R & R at 13).

Petitioner's Objections are rambling and nearly incomprehensible. , nowhere in his objections does he point to a specific legal or factual error that the Magistrate Judge made in the R & R.

In *Thomas v. Arn*, the United States Supreme Court explained that

[t]he Sixth Circuit's decision to require the filing of objections is supported by sound considerations of judicial economy. The filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute. The Sixth Circuit's rule, by precluding appellate review of any issues not contained in objections, prevents a litigant from "sandbagging" the district judge by failing to object and then appealing. Absent such a rule, any issue before the magistrate would be a proper subject for appellate review. This would either force the court of appeals to consider claims that were never reviewed by the district court, or force the district court to review every issue in every case, no matter how thorough the magistrate's analysis and even if both parties were satisfied with the magistrate's report. Either result would be an inefficient use of judicial resources.

474 U.S. 140, 147-48 (1985). This principle applies squarely to Petitioner's Objections, which are unresponsive to the R & R.

After a thorough review of the record, the Court concludes that the Magistrate Judge accurately summarized the facts and applied the correct legal principles.

II.

Accordingly, the Court **OVERRULES** the Objections (**Doc #: 47**), **ADOPTS** the R & R (**Doc #: 45**), **DISMISSES WITHOUT PREJUDICE** the Petition so that Petitioner can exhaust his claims in state court (**Doc #: 1**), and **DENIES AS MOOT** Doc #: 5, 7, 8, 16, 23, 28, 31, 33, 36, 39, 41-43.

IT IS SO ORDERED.

/s/ Dan A. Polster February 26, 2016
Dan Aaron Polster
United States District Judge